



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Chen et al.

Serial No.: 09/859,428

Filed: May 18, 2001

For: OSMOTIC DELIVERY SYSTEM,
OSMOTIC DELIVERY SYSTEM
SEMPERMEABLE BODY ASSEMBLY,
AND METHOD FOR CONTROLLING
DELIVERY RATE OF BENEFICIAL
AGENTS FROM OSMOTIC DELIVERY
SYSTEMS

Confirmation No.: 5232

Examiner: M. Mendez

Group Art Unit: 3763

Attorney Docket No.: ARC 2604 US N1
(3139-6263.1US)

HA/BS
3-16-04

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
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Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
US - 3,732,865	05/15/1973	Higuchi et al.
US - 3,987,790	10/26/1976	Eckenhoff et al.
US - 3,995,631	12/07/1976	Higuchi et al.
US - 3,995,632	12/07/1976	Nakano et al.
US - 4,111,202	09/05/1978	Theeuwes
US - 4,243,030	01/06/1981	Lynch et al.
US - 4,340,054	07/20/1982	Michaels
US - 4,373,527	02/15/1983	Fischell
US - 4,439,196	03/27/1984	Higuchi
US - 4,552,561	11/12/1985	Eckenhoff et al.
US - 4,639,244	01/27/1987	Rizk et al.
US - 4,865,845	09/12/1989	Eckenhoff et al.
US - 4,874,388	10/17/1989	Wong et al.
US - 5,209,746	05/11/1993	Balaban et al.
US - 5,223,265	06/29/1993	Wong
US - 5,279,608	01/18/1994	Cherif Cheikh
US - 5,308,348	05/03/1994	Balaban et al.
US - 5,312,389	05/17/1994	Theeuwes et al.
US - 5,312,390	05/17/1994	Wong
US - 5,653,688	08/05/1997	Mills et al.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
EP 0 373 867 A	06/20/1990	Magruder et al.
WO 92 00728 A	01/23/1992	Magruder et al.
WO 97 27840 A	08/07/1997	Peery et al.

Other Documents

International Search Report, dated 02/03/1999.

Applicants offer to supply any explanation or discussion of the documents which the Examiner feels is necessary or desirable and which is requested.

This Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits.

The fee pursuant to 37 C.F.R. § 1.17(p) is enclosed.

Respectfully submitted,



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Date: February 19, 2004

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Enclosures: Form PTO-1449 or PTO/SB/08

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Substitute for form 1449A/PTO		<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	09/859,428
<i>(use as many sheets as necessary)</i>		Filing Date	May 18, 2001
		First Named Inventor	Chen et al.
		Group Art Unit	3763
		Examiner Name	M. Mendez
Sheet	1	of	2
		Attorney Docket Number	ARC 2197 US N1 (3139-6263.1US)

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-3,732,865	05/15/1973	Higuchi et al.	
		US- 3,987,790	10/26/1976	Eckenhoff et al.	
		US- 3,995,631	12/07/1976	Higuchi et al.	
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		US- 4,111,202	09/05/1978	Theeuwes	
		US- 4,243,030	01/06/1981	Lynch et al.	
		US- 4,340,054	07/20/1982	Michaels	
		US- 4,373,527	02/15/0183	Fischell	
		US- 4,439,196	03/27/1984	Higuchi	
		US- 4,552,561	11/12/1985	Eckenhoff et al.	
		US- 4,639,244	01/27/1987	Rizk et al.	
		US- 4,865,845	09/12/1989	Eckenhoff et al.	
		US- 4,874,388	10/17/1989	Wong et al.	
		US- 5,209,746	05/11/1993	Balaban et al.	
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		US- 5,312,389	05/17/1994	Theeuwes et al.	
		US- 5,312,390	05/17/1994	Wong	
		US- 5,653,688	08/05/1997	Mills et al.	

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B(10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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				Examiner Name	M. Mendez
<i>(use as many sheets as necessary)</i>				Attorney Docket Number	ARC 2197 US N1 (3139-6263 11JS)
Sheet	2	of	2		

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